

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 99-111

February 16, 2000

MAINE PUBLIC UTILITIES COMMISSION
Standard Offer Bidding Procedure

ORDER GRANTING
REQUEST FOR
WAIVER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

Through this Order, we grant Central Maine Power Company's (CMP) request for a waiver of the calendar year requirement for satisfying the eligible resource portfolio requirement.

On January 7, 2000, CMP filed a request for a waiver of the calendar year requirement for satisfying the portfolio requirement, Chapter 311 § 3(B).¹ Instead, CMP requests that it be allowed to satisfy the portfolio requirement over a 12-month period from March 1, 2000 through February 28, 2001. CMP explains that, as a result of the lack of acceptable bids in the Commission's standard offer bid process, CMP has been directed to provide standard offer service to the medium and large non-residential classes. The provision of standard offer service by CMP, however, is on a limited-time basis until the Commission chooses a standard offer provider to provide service beginning March 1, 2001.

CMP states that there is good cause for the requested waiver because the calendar year requirement does not correspond well with CMP's limited-time provision of standard offer service. The calendar year compliance period would require CMP to satisfy the requirement over two separate compliance periods, one of which would be 10 months and the other of which would be 2 months. CMP states that complying with the 30% requirement over a 2-month compliance period would be problematic and the requested waiver would cause no harm because CMP would still comply with the requirement over a 12-month period.

Section 7 of Chapter 311 allows the Commission, for good cause, to waive any requirement of the rule that is not required by statute. For the reasons stated by CMP, we find that good cause exists to waive the calendar year compliance period requirement. Accordingly, CMP may comply with the portfolio requirement over a 12-month period from March 1, 2000 to February 28, 2001.

¹ CMP's filing inadvertently referenced Chapter 306 instead of Chapter 311.

Dated at Augusta, Maine, this 16th day of February, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.